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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

STEVEN L. STANLEY,

Plaintiff,

v.

COMMUNITY DEVELOPMENT
PARTNERS (CDP); GUARDIAN
MANAGEMENT, LLC; VIRIDIAN
MANAGEMENT, INC.

Defendants.

Case No. 3:21-CV-193-MO

DEFENDANT VIRIDIAN
MANAGEMENT, INC.'S JOINDER OF
DEFENDANTS' COMMUNITY
DEVELOPMENT PARTNERS AND
GUARDIAN MANAGEMENT, LLC'S
MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED COMPLAINT

COMPLIANCE WITH LOCAL RULE 7-1

Counsel for the moving parties discussed the substance of this motion with counsel for Plaintiff via teleconference on September 16, 2021, in a good faith effort to resolve this dispute.

COMPLIANCE WITH LOCAL RULE 7-2

These motions comply with the word limit and page limit set forth in Local rule 7-2.

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JOINDER MOTION

PLEASE TAKE NOTICE that defendant Viridian Management, Inc. (“Viridian”) joins in defendants Community Development Partners (CDP) and Guardian Management, LLC’s (“Defendants”) motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 12(f) (Docket Entry No. 67), for all the reasons therein.

Specifically, Viridian joins Defendants’ motions:

1. For an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiff’s Sixth Claim for Relief alleging Intentional Infliction of Emotional Distress, because it fails to state a claim from which relief can be granted.
2. For an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiff’s Fair Housing Amendment Act and Oregon Fair Housing Act discrimination claims alleging failure to engage in an interactive process regarding plaintiff’s requests for reasonable accommodation because such claims fail to state a claim for relief.
3. For an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiff’s Fair Housing Amendment Act and Oregon Fair Housing Act discrimination claims alleging failure to designate a nonsmoking area of Milepost 5 and relocating plaintiff to a non-smoking unit because such claims fail to state a claim for relief.
4. For an order, pursuant to Fed. R. Civ. P. 12(f), to strike paragraphs 35 through 41 of plaintiff’s complaint.

Viridian incorporates herein by reference all legal points, authorities, and arguments asserted in Defendants’ motion to dismiss against Plaintiff’s Second Amended Complaint. All of the arguments related to the deficiencies in the pleadings raised in Fed. R. Civ. P. 12(b)(6) motions 1, 2, and 3 challenge allegations against all defendants in the case. Therefore, all arguments raised in Defendants’ motions to dismiss apply equally to the claims raised against

Viridian. Viridian does not request additional time for oral argument.

Dated this 20th day of September, 2021

LORBER, GREENFIELD & POLITO, LLP

By: /s/ Katie L. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2021, a true and correct copy of the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via First Class Mail to those identified as nonregistered participants.

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Attorneys for Plaintiff

*Attorneys for Defendants Community
Development Partners (CDP) – Erik Paine,
Kyle Pain. Bradford Long, and Guardian
Management, LLC*

I declare under penalty of perjury under the laws of the State of Oregon that the above is true and correct.

DATED this 20th day of September, 2021

LORBER, GREENFIELD & POLITO, LLP.

/s/ S. Chandler Hicks
S. Chandler Hicks, Legal Assistant